IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE No 199 of 1985

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI
and
Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

COMMISSIONER OF INCOME TAX

Versus

CIBATUL LIMITED

Appearance:

MR B B Naik with Mr RP BHATT for Petitioner

MR M. J. SHAH for Respondent No. 1

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI
and
MR.JUSTICE M.S.SHAH

Date of decision: 21/11/2000

ORAL JUDGEMENT

(Per : MR.JUSTICE M.S.SHAH)

In this Reference at the instance of the Revenue, the following question is referred to us for our opinion in respect of the assessment year 1978-79:

> "Whether, on the facts and in the circumstances of the case, the income tax appellate tribunal has been right in law in confirming the view taken by the CIT (appeals) in holding that the assessee was entitled to deduction of amount of Rs. 54,997/- on account of guest house expenses ?"

At the time of hearing of Reference, learned counsel Mr.Shah for the assessee and learned counsel Mr. Naik for the revenue state that the controversy is already resolved by the decision of this Court in CIT vs. Ahmedabad Manufacturing and Calico Printing Co.,197 ITR 538.

In view of the above, we answer the question in the affirmative i.e. in favour of the assessee and against the revenue. The Reference stands disposed of accordingly. There shall be no order as to costs.

(D. M. Dharmadhikari, C.J.)

(M. S. Shah,J.)

parekh